

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

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CLAUS PETER SPETH,

Plaintiff,

v.

ROBERT GOODE, et al.,

Defendants.

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HON. JEROME B. SIMANDLE

Civil Action  
No. 95-0264 (JBS/AMD)

**ORDER**

This matter having come before the Court on two motions: Plaintiff's motion to lift the stay in this case and reinstate Counts V, VI, and VIII [Docket Item 129]; and Defendants' motion for summary judgment as to all claims based on the statute of limitations [Docket Item 131]; Plaintiff having conceded that Count IX should be dismissed because it is barred by the statute of limitations; Plaintiff also having voluntarily dismissed all claims against the deceased Defendant Carley; the Court having considered the submissions of the parties; for the reasons explained in the Opinion of today's date; and for good cause shown;

IT IS this 20th day of **January, 2011** hereby

ORDERED that Plaintiff's motion to lift the stay and reinstate Counts V, VI, and VIII is **GRANTED**; and it is further

ORDERED that Defendants' motion for summary judgment is

**GRANTED** as to Count IX, and as to those parts of Counts II and III based on the composition of Dr. Goode's report and its initial dissemination, as well as the composition and sending of the letter of ineligibility, and **OTHERWISE DENIED**; and it is

ORDERED that all claims against Defendant Carley and the Estate of Carley are **DISMISSED**, and Defendant Carley and the Estate of Carley are dismissed from this case.

**S/ Jerome B. Simandle**  
JEROME B. SIMANDLE  
United States District Judge